

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKUSDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 3/16/2021

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UNITED STATES OF AMERICA,	:
	92-CR-0019
-against-	:
	<u>ORDER</u>
DOMINGO ROSARIO FIGUEROA,	:
	:
Defendant.	:
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VALERIE CAPRONI, United States District Judge:

WHEREAS on February 7, 2020, Defendant moved to vacate his convictions on Counts Six, Seven, and Eight pursuant to 28 U.S.C. § 2255. *See* 16-CV-4469, Dkt. 29;

WHEREAS on May 6, 2020 this Court vacated Defendant's § 924(c) conviction on Count Six, denied the balance of the petition, and ordered resentencing. *See* 16-CV-4469, Dkt. 37;

WHEREAS Defendant's resentencing was adjourned *sine die* due to logistical difficulties of scheduling this proceeding remotely in light of the COVID-19 pandemic;

IT IS HEREBY ORDERED THAT:

1. Defendant's sentence is VACATED. Defendant's resentencing is scheduled for **March 30, 2021 at 10:00 a.m.** Links to appear by video will be sent to the parties directly.
2. Members of the public may attend the resentencing by dialing 415-527-5035, using the Meeting ID 199 048 9987 and the password 93932393. Any recording or retransmission of the resentencing is strictly prohibited.

3. No later than **March 26, 2021**, defense counsel must file either an executed waiver (attached to this Order) or a letter requesting that the resentencing be rescheduled as an in-person conference on a date convenient to all parties.

SO ORDERED.

Date: March 16, 2021
New York, NY



VALERIE CAPRONI
United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-v-

**WAIVER OF RIGHT TO BE
PRESENT AT CRIMINAL
PROCEEDING**

,
Defendant.

-CR- () ()

-----X

Check Proceeding that Applies

Sentence

I understand that I have a right to appear before a judge in a courtroom in the Southern District of New York at the time of my sentence and to speak directly in that courtroom to the judge who will sentence me. I am also aware that the public health emergency created by the COVID-19 pandemic has interfered with travel and restricted access to the federal courthouse. I do not wish to wait until the end of this emergency to be sentenced. I have discussed these issues with my attorney and willingly give up my right to be present, at the time my sentence is imposed, in the courtroom with my attorney and the judge who will impose that sentence. By signing this document, I wish to advise the court that I willingly give up my right to appear in a courtroom in the Southern District of New York for my sentencing proceeding as well as my right to have my attorney next to me at the time of sentencing on the following conditions. I want my attorney to be able to participate in the proceeding and to be able to speak on my behalf at the proceeding. I also want the ability to speak privately with my attorney at any time during the proceeding if I wish to do so.

Date: _____

Signature of Defendant

Print Name

I hereby affirm that I am aware of my obligation to discuss with my client the charges against my client, my client's rights to attend and participate in the criminal proceedings encompassed by this waiver, and this waiver and consent form. I affirm that my client knowingly and voluntarily consents to the proceedings being held with my client and me both participating remotely.

Date: _____
Signature of Defense Counsel

Print Name

Addendum for a defendant who requires services of an interpreter:

I used the services of an interpreter to discuss these issues with the defendant. The interpreter also translated this document, in its entirety, to the defendant before the defendant signed it. The interpreter's name is: _____.

Date: _____
Signature of Defense Counsel

Accepted: _____
Signature of Judge
Date: